

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**TYRONE DAVIS SMITH,**

**Petitioner,**

**-v-**

**Case No. 09-C-725**

**LARRY JENKINS,**

**Respondent.**

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**ORDER**

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Petitioner, Tyrone Davis Smith (“Smith”), filed a motion for a stay of the July 7, 2011, deadline for him to file a reply brief in support of his Rule 59(e) motion. Smith requests that the deadline be stayed, until his application for an interlocutory appeal is resolved by the Court of Appeals. This Court denied his request for an interlocutory appeal on May 24, 2011. Smith is seeking review of that denial.

If Smith obtains interlocutory review of this Court’s May 12, 2011, denial of his motion for appointment of counsel, the proceedings before this Court may be affected. Therefore, Smith’s motion for a stay is granted. The July 7, 2011, deadline for Smith to file his reply to the response to his Rule 59(e) motion is stayed until further order of the Court. The parties must provide notice to the Court upon resolution of the interlocutory appeal.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY  
ORDERED THAT:**

Smith's motion for a stay (Docket No. 59) is **GRANTED**; either party may file a request for relief from the stay; and, the parties must **FILE** a statement notifying the Court upon the resolution of Smith's interlocutory appeal.

Dated at Milwaukee, Wisconsin, this 7th day of June, 2011.

**BY THE COURT:**

*s/ Rudolph T. Randa*

**HON. RUDOLPH T. RANDA**

**U.S. District Judge**